Appl. No. 10/624383

REMARKS

The following remarks are in response to the Office Action mailed on August 4, 2005. Upon entrance of the amendments set out above, Claims 2-15, 17-22, 35-40 and 44-45 remain pending in this application.

Claims 20-21 and 26 were rejected under 35 U.S.C. 112, second paragraph. Claims 1-45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,639,182. Claims 1, 4-7, 16-19, 23-25 were rejected under 35 U.S.C. 102(e) as being anticipated by Beiermann et al, (6,479,792). Claims 2 8-10, 12, 14, 15, 27, 29, 32, 35-37, and 40-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beiermann et al. (6,479,792). Claims 3, 11, 28, 33, 34, 38, 39, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beiermann et al. (6,479,792) as applied to the claims above, and further in view of Blankenship et al. (6,624,388). Response is hereby made to these rejections.

Claims 13, 30, and 31 were objected to for depending from rejected claims and rejected as double patenting, but were held to have otherwise allowable subject matter. Applicant thanks the Examiner for the indication of allowable subject matter.

Claims 20-21 and 26 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 20 and 22 are system claims but depended from a method claim 15 (and claims 21-26 depended from rejected claims). Claim 22 has been amended to be an independent claim, and claims 20 and 21 depend from claim 22, and claim 26 is cancelled. Thus, this rejection has been overcome.

Claims 1-45 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,639,182. A

terminal disclaimer directed to 6639182 is enclosed herewith. Thus, this rejection has been overcome.

Claims 1, 4-7, 16-19 and 23-25 were rejected under 35 U.S.C. 102(e) as being anticipated by Beiermann et al, (6,479,792). Claim 1 has been cancelled, claims 4-7 have claim 2 (which will be discussed below) as a base claim, claim 16 has been cancelled, claims 17-19 have claim 22 (which will be discussed below) as a base claim, and claims 23-25 have been cancelled. Accordingly, this rejection has been rendered moot.

Claims 2, 8-10, 12, 14, 15, 27, 29, 32, 35-37, and 40-44 were rejected under 35 U.S.C. 103(a) as being unpatentable over Beiermann et al. (6,479,792). The Examiner acknowledged that Beiermann et al. (6,479,792) failed to disclose the limitations directed to uploading a program from a "welding-type system" as in claims 2 and 40. But then the Examiner held that since Beiermann et al. (6,479,792) discusses uploading welding software from external sources (column 6, lines 40-65) it was obvious that these external computer systems are "welding-type systems" at least because they contain welding software.

However, Beiermann et al. (6,479,792) does not disclose transferring from one welding-type system to another. It merely shows transferring from a data source -- not a welding power supply. The difference between a data source such as a cd, computer, etc and a welding-type system is supported by the explicit definition given to "welding-type power supply or system" by the Applicant: "[P]ower supplies or systems that provide welding, cutting or heating power". A simple computer or source of software is not a welding-type system unless it can provide welding power.

Claim 2 requires that the **uploading the at least one program from a second welding-type system.** Simply put, the prior art teaches to transfer from a data source to a system, not from

one welding system to another. Thus, this rejection should be withdrawn.

The above rejections are the sole rejections for claim 2, thus claim 2, and claims 3-7 which depend therefrom, should be allowed.

Claim 8 has been amended to include a limitation similar to that of claim 2 -- "uploading the at least one program from a second welding-type system". Thus, claim 8, and claims 9-12 which depend therefrom, should be allowed for the reasons given above with respect to claim 2. Likewise, claim 35 has been amended to recite that the upload is "from a second welding-type system". Thus, claim 35 and claims 36-39 which depended therefrom, should be allowed.

Claims 13 was objected to for depending from rejected claims and for being obvious over the claims of patent no. 6,639,182, but would be given favorable consideration if the obviousness-type double patenting rejection above is overcome and if recast in independent form to include all of the limitations of the parent claims.

Claim 13 has been rewritten in independent form, and further amended to recite that the plurality of programs are stored in a single file but no longer states that downloading includes sending a portion of the file. Applicant respectfully submits that claim 13, and claims 14 and 15 which depend therefrom, remain allowable.

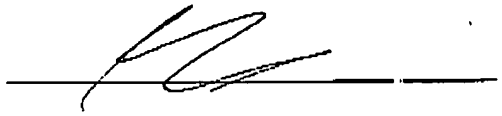
Claim 22 had as the sole basis for rejection double patenting (it was not included in the list of claims as having otherwise-allowable subject matter, but Applicant believes this to be an oversight). Claim 22 has been rewritten in independent form, and is thus allowable, along with claims 17-21, which depend therefrom.

Claims 40 and 44 have been amended to include the "allowable" limitations of claim 13 namely that the welding

programs be stored in a single file and a portion of that file be uploaded. Thus, claims 40 and 44, along with 45, which depends from 44, should be allowed.

Accordingly, in view of the above amendments and remarks, Applicant respectfully submits that the application should be allowed. The Examiner is invited to telephone the undersigned below if it will aid in the prosecution of this application.

Respectfully Submitted



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